

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EQUAL EMPLOYMENT OPPORTUNITY *
COMMISSION *
*
v. * Civil Action No. WMN-09-2569
*
LIFE TECHNOLOGIES CORPORATION *
*
* * * * *

MEMORANDUM & ORDER

After a four-day trial, a jury returned a verdict in favor of Defendant Life Technologies Corporation on Plaintiff's claim under the Americans with Disabilities Act. On January 13, 2012, the Clerk of the Court issued an order in favor of Defendant taxing costs in the amount of \$3,964.45. Plaintiff has now filed a "Motion for Judicial Review of Clerk's Order Taxing Costs." ECF No. 87.

Plaintiff argues that "since the case was 'close and difficult,' Defendant's victory was of limited value, and Defendant engaged in conduct which unnecessarily prolonged the trial and inserted unnecessary issues," costs should be denied in their entirety. In the alternative, Plaintiff argues that costs should be reduced because the costs ordered by the Clerk exceeded the costs allowed under the Court's guidelines. Defendant filed an opposition to the motion, ECF No. 88, that incorporated by reference the arguments made in its reply to

Plaintiff's opposition to the initial Bill of Costs. ECF No. 84. In that reply, Defendant responds to issue of the entitlement vel non of costs, but not to whether the amount of costs awarded were consistent with the Court's guidelines. The Court finds that it was proper to award Defendant costs but that those costs should be reduced.

The Court finds no merit to Plaintiff's contention that the case was "close and difficult." The evidence presented made it clear that Mr. Scrivnor was able to do his job, to enjoy the benefits and privileges of his job and, in fact, was able to excel at his job, without additional accommodations. The jury was able to reach that determination in three hours, which is about as quick as any jury can organize itself, review the evidence, and reach a decision.

Nor is there much merit to the contention that Defendant's victory was limited. Defendant avoided significant compensatory and punitive damages that were sought by Plaintiff. Although the Court sided with Plaintiff at the summary judgment stage on the issue of whether the scope of "reasonable accommodations" can extend beyond those necessary simply to do the "essential functions of a job," see ECF No. 25 at 8-17, the jury determined that those accommodations Plaintiff sought to impose on Defendant were unreasonable or unnecessary.

Finally, the Court does not believe that Defendant significantly prolonged or complicated this litigation. Both sides bear some responsibility for the less-than efficient manner in which the VRI issue was raised and presented. Furthermore, as the Court noted in ruling on the summary judgment motions, from the early stages of this dispute, Mr. Scrivnor appears to have contributed to the breakdown of the interactive process. See id. at 19-20.

While the Court believes that Defendant is entitled to the award of costs, the Court agrees that those costs should be limited to costs consistent with this Court's guidelines. See this Court's Guidelines for Bills of Costs and Standing Order 2011-2. Applying the guideline rate, Defendant would be entitled to \$2,093.90. Defendant offers no reason for costs to be awarded at a higher rate.

Accordingly, IT IS this 28th day of March by the United States District Court for the District of Maryland, ORDERED:

1) That Plaintiff's Motion for Judicial Review of Clerk's Action, ECF No. 87, is GRANTED in part and DENIED in part in that the award of costs in favor of Defendant shall be reduced to \$2,093.90; and

2) That the Clerk of the Court shall transmit a copy of this Memorandum and Order to all counsel of record.

_____/s/_____

William M. Nickerson
Senior United States District Judge